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HIGH COURT OF CHHATTISGARH AT BILASPUR

M.A. No. 1211 of 2005

Appellants
1. Pusaiya Bai, Wd/o Chaitu Ram Dhruv, aged about 53 years.
2. Milan Dhruv, S/o Chaitu Ram Dhruv, aged about 36 years.
3. Amar Singh, S/o Chaitu Ram Dhruv, aged about 30 years.
4. Nekram, S/o Chitur Ram Dhruv, aged about 26 years, All R/o Village- Otgan, P.O. Otgan, District- Raipur (C.G.)

Versus

Respondents
1. Beni Ram Verma, S/o Badri Prasad Verma, R/o Village & Post- Tulsi (Neora), P.S. Neora, District- Raipur (C.G.).
2. Principal/Competent Officer, Commerce Public School Tilda, P.S. Neora, District- Raipur (C.G.)
3. New India Insurance Co. Ltd, Through – Divisional Manager, The New India Insurance Co. Ltd., Kachahari Chowk Jail Road, Raipur, District- Raipur (C.G.).

DB: Hon'ble Shri Justice S. R. Nayak, C.J.
& Hon'ble Shri Justice Satish K. Agnihotri, J.

Mr. S. C. Verma, Advocate, for the appellants.

Mr. Sri Kumar Agarwal, Standing counsel for Respondent No.3.

ORAL ORDER

(20th December 2005)

The following order of the Court was passed by **S. R. Nayak, C.J.**

1. Should we say that as we read the impugned award it reflects total ignorance of the settled principles of law governing computation of compensation on the part of the learned Presiding Officer of the Tribunal ? He does not seem to have aware of the norms and principles governing the process of computing just and reasonable compensation in a death case. We are constrained to use this strong language. The M.A.C.T. having taken daily income of the deceased as Rs. 85/-, ought to have applied multiplier method for computing loss of dependency. If daily income of the deceased was Rs.85/-, which we round it off to Rs. 90/- and if we deduct 1/3rd

from that income towards personal expenses, the actual loss of dependency per day would be Rs. 60/-. As per the postmortem report, the age of the deceased was 60 years and therefore, the appropriate multiplier to be applied is 8. Thus, total loss of dependency would come to Rs. 1,72,800/- (60x30x12x8). To this we add sum of Rs. 20,000/- towards 'loss of consortium' and Rs. 20,000/- towards 'loss of the estate' and Rs. 5000/- towards 'funeral expenses'.

2. In the result and for the foregoing reasons, we allow the appeal in part and in substitution of the impugned award passed by the M.A.C.T. , we award total compensation of Rs. 2,17,800/- under the following heads:-

Loss of dependency	Rs. 1,72,800/-
Loss of consortium	Rs. 20,000/-.
Funeral expenses	Rs. 5,000/-.
Loss to the estate	Rs. 20,000/-.
Total	Rs. 2,17,800/-

with interest at the rate of 6% per annum from the date of the claim petition till payment.

3. The Insurance Company shall deposit the balance compensation money before the M.A.C.T. within six weeks from today. On such deposit being made, the M.A.C.T. shall disburse/invest the compensation money in the same proportions as specified by it in the impugned award.

4. In the facts and circumstances of the case, both the parties are directed to bear their respective costs in this appeal.

Sd/-
Chief Justice

Sd/-
SATISH K. ANGNIHOTRI
Judge